

U.S. Department of Justice

United States Attorney
Eastern District of New York

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August 1, 2006

COURTESY COPY OF AN ELECTRONICALLY FILED DOCUMENT

Honorable Allyne R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

*Respectfully referred to
Judge Ross.
So ordered.
8/4/06
cc: Counsel
jsb*

Re: Kong v. Gantner, No. CV-06-2804 (ARR)(SMG)

Dear Judge Ross:

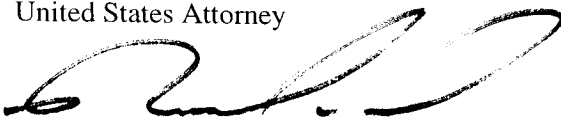
I write on behalf of the Defendant to respectfully request an extension of time from August 4, 2006, to October 4, 2006, to respond to the Plaintiff's complaint.

The Plaintiff's required¹ FBI name check is still pending. The Defendant has taken steps to spur completion of the check. As soon as the results of the check are received, the Defendant will complete adjudication of the Plaintiff's application. This is the Defendant's first request for an extension of time. Plaintiff's counsel, Spiro Serras, Esq., has consented to the requested extension.

The Court's consideration in this matter is greatly appreciated.

Respectfully submitted,

ROSLYNN MAUSKOPF
United States Attorney


Ronald W. Kish

¹ In the context of naturalization proceedings, a federal statute specifically contemplates that United States Citizenship and Immigration Services will complete criminal background checks prior to naturalization adjudications.

During fiscal year 1998 and each year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997.

Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998, Pub. L. No. 105-119, Title I, 111 Stat. 2448 (Nov. 26, 1997). And see Sweilem v. USCIS, 2005 WL 1123582 at *4-5 (N.D. Ohio 2005).

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cc: Spiro Serras, Esq.
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